

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-CR-100-1-F  
No. 5:10-CV-260-F

CALVIN LAVAN CLARK,                     )  
  Movant,                     )  
  )                                     )  
  v.                                     )  
  )                                     )  
UNITED STATES OF AMERICA,            )  
  Respondent.                    )

ORDER

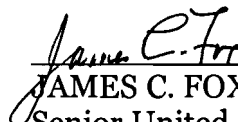
On June 16, 2009, the undersigned dismissed Calvin Lavan Clark's § 2255 motion [DE-26] pursuant to Rule 4(b), RULES GOVERNING § 2255 PROCEEDINGS. *See* [DE-27]. Clark did not appeal that ruling.

On September 21, 2010, Clark filed another motion pursuant to 28 U.S.C. § 2255 [DE-30]. However, because Clark has not obtained authorization from the Fourth Circuit Court of Appeals to file a second or successive § 2255 petition, this court is without jurisdiction to consider it.

Consequently, Clark's § 2255 motion [DE-30] is DISMISSED in order that Clark may seek authorization from the Fourth Circuit to file a second or successive § 2255 motion pursuant to 28 U.S.C. §§ 2255 (h) and 2244(b)(3).

SO ORDERED.

This, the 12<sup>th</sup> day of November, 2010.

  
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JAMES C. FOX  
Senior United States District Judge